

REFERENCE TITLE: sex offender registration; homeless offenders.

State of Arizona  
Senate  
Forty-seventh Legislature  
Second Regular Session  
2006

## **SB 1229**

Introduced by  
Senators Huppenthal, Aguirre, Brotherton, Jarrett, Martin: Allen, Garcia,  
Miranda, Verschoor; Representatives Biggs, Gallardo, Groe

### AN ACT

AMENDING SECTIONS 13-3821 AND 13-3822, ARIZONA REVISED STATUTES; RELATING TO  
SEX OFFENDER REGISTRATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Section 13-3821, Arizona Revised Statutes, is amended to  
3 read:

4           13-3821. Persons required to register; procedure;  
5           identification card; definitions

6       A. A person who has been convicted of a violation or attempted  
7 violation of any of the following offenses or who has been convicted of an  
8 offense committed in another jurisdiction that if committed in this state  
9 would be a violation or attempted violation of any of the following offenses  
10 or an offense that was in effect before September 1, 1978 and that, if  
11 committed on or after September 1, 1978, has the same elements of an offense  
12 listed in this section or who is required to register by the convicting  
13 jurisdiction, within ten days after the conviction or within ten days after  
14 entering and remaining in any county of this state, shall register with the  
15 sheriff of that county:

16           1. Unlawful imprisonment pursuant to section 13-1303 if the victim is  
17 under eighteen years of age and the unlawful imprisonment was not committed  
18 by the child's parent.

19           2. Kidnapping pursuant to section 13-1304 if the victim is under  
20 eighteen years of age and the kidnapping was not committed by the child's  
21 parent.

22           3. Sexual abuse pursuant to section 13-1404 if the victim is under  
23 eighteen years of age.

24           4. Sexual conduct with a minor pursuant to section 13-1405.

25           5. Sexual assault pursuant to section 13-1406.

26           6. Sexual assault of a spouse if the offense was committed before ~~the~~  
27 ~~effective date of this amendment to this section~~ AUGUST 12, 2005.

28           7. Molestation of a child pursuant to section 13-1410.

29           8. Continuous sexual abuse of a child pursuant to section 13-1417.

30           9. Taking a child for the purpose of prostitution pursuant to section  
31 13-3206.

32           10. Child prostitution pursuant to section 13-3212.

33           11. Commercial sexual exploitation of a minor pursuant to section  
34 13-3552.

35           12. Sexual exploitation of a minor pursuant to section 13-3553.

36           13. Luring a minor for sexual exploitation pursuant to section 13-3554.

37           14. Sex trafficking of a minor pursuant to section 13-1307.

38           15. A second or subsequent violation of indecent exposure to a person  
39 under the age of fifteen years pursuant to section 13-1402, subsection B.

40           16. A second or subsequent violation of public sexual indecency to a  
41 minor under the age of fifteen years pursuant to section 13-1403,  
42 subsection B.

43           17. A third or subsequent violation of indecent exposure pursuant to  
44 section 13-1402.

1       18. A third or subsequent violation of public sexual indecency pursuant  
2 to section 13-1403.

3       19. A violation of section 13-3822 or 13-3824.

4           B. Before the person is released from confinement the state department  
5 of corrections in conjunction with the department of public safety and each  
6 county sheriff shall complete the registration of any person who was  
7 convicted of a violation of any offense listed under subsection A of this  
8 section. Within three days after the person's release from confinement, the  
9 state department of corrections shall forward the registered person's records  
10 to the department of public safety and to the sheriff of the county in which  
11 the registered person intends to reside. Registration pursuant to this  
12 subsection shall be consistent with subsection E of this section.

13           C. Notwithstanding subsection A of this section, the judge who  
14 sentences a defendant for any violation of chapter 14 or 35.1 of this title  
15 or for an offense for which there was a finding of sexual motivation pursuant  
16 to section 13-118 may require the person who committed the offense to  
17 register pursuant to this section.

18           D. The court may require a person who has been adjudicated delinquent  
19 for an act that would constitute an offense specified in subsection A or C of  
20 this section to register pursuant to this section. Any duty to register  
21 under this subsection shall terminate when the person reaches twenty-five  
22 years of age.

23           E. A person who has been convicted of or adjudicated delinquent and  
24 who is required to register in the convicting state for an act that would  
25 constitute an offense specified in subsection A or C of this section and who  
26 is not a resident of this state shall be required to register pursuant to  
27 this section if the person is either:

28              1. Employed full-time or part-time in this state, with or without  
29 compensation, for more than fourteen consecutive days or for an aggregate  
30 period of more than thirty days in a calendar year.

31              2. Enrolled as a full-time or part-time student in any school in this  
32 state for more than fourteen consecutive days or for an aggregate period of  
33 more than thirty days in a calendar year. For the purposes of this  
34 paragraph, "school" means an educational institution of any description,  
35 public or private, wherever located in this state.

36           F. Any duty to register under subsection D or E of this section for a  
37 juvenile adjudication terminates when the person reaches twenty-five years of  
38 age.

39           G. The court may order the termination of any duty to register under  
40 this section on successful completion of probation if the person was under  
41 eighteen years of age when the offense for which the person was convicted was  
42 committed.

43           H. At the time of registering, the person shall sign a statement in  
44 writing giving such information as required by the director of the department  
45 of public safety, including all names by which the person is known. The

1 sheriff shall fingerprint and photograph the person and within three days  
2 thereafter shall send copies of the statement, fingerprints and photographs  
3 to the criminal identification section within the department of public safety  
4 and the chief of police, if any, of the place where the person resides. The  
5 information that is required by this subsection shall include the physical  
6 location of the person's residence and the person's address. If the person  
7 has a place of residence that is different from the person's address, the  
8 person shall provide the person's address, the physical location of the  
9 person's residence and the name of the owner of the residence if the  
10 residence is privately owned and not offered for rent or lease. If the  
11 person receives mail at a post office box, the person shall provide the  
12 location and number of the post office box. If the person does not have an  
13 address or a permanent place of residence, the person shall provide a  
14 description and physical location of any temporary residence **AND SHALL**  
**REGISTER AS A TRANSIENT WITHIN FIVE WORKING DAYS AFTER RELEASE FROM CUSTODY**  
**OR BEING PLACED ON PROBATION AND NOT LESS THAN EVERY NINETY DAYS THEREAFTER**  
**WITH THE SHERIFF IN WHOSE JURISDICTION THE TRANSIENT IS PHYSICALLY PRESENT.**

18 I. On the person's initial registration and every year after the  
19 person's initial registration, the person shall obtain a new nonoperating  
20 identification license or a driver license from the motor vehicle division in  
21 the department of transportation and shall carry a valid nonoperating  
22 identification license or a driver license. Notwithstanding sections 28-3165  
23 and 28-3171, the license ~~shall be~~ **IS** valid for one year from the date of  
24 issuance, and the person shall submit to the department of transportation  
25 proof of the person's address and place of residence. The motor vehicle  
26 division shall annually update the person's photograph and shall make a copy  
27 of the photograph available to the criminal identification section of the  
28 department of public safety or to any law enforcement agency.

29 J. Except as provided in subsection E or K of this section, the clerk  
30 of the superior court in the county in which a person has been convicted of a  
31 violation of any offense listed under subsection A of this section or has  
32 been ordered to register pursuant to subsection C or D of this section shall  
33 notify the sheriff in that county of the conviction within ten days after  
34 entry of the judgment.

35 K. Within ten days after entry of judgment, a court not of record  
36 shall notify the arresting law enforcement agency of an offender's conviction  
37 of a violation of section 13-1402. Within ten days after receiving this  
38 information, the law enforcement agency shall determine if the offender is  
39 required to register pursuant to this section. If the law enforcement agency  
40 determines that the offender is required to register, the law enforcement  
41 agency shall provide the information required by section 13-3825 to the  
42 department of public safety and shall make community notification as required  
43 by law.

1       L. A person who is required to register pursuant to this section  
2 because of a conviction for the unlawful imprisonment of a minor or the  
3 kidnapping of a minor is required to register, absent additional or  
4 subsequent convictions, for a period of ten years from the date that the  
5 person is released from prison, jail, probation, community supervision or  
6 parole and the person has fulfilled all restitution obligations.  
7 Notwithstanding this subsection, a person who has a prior conviction for an  
8 offense for which registration is required pursuant to this section is  
9 required to register for life.

10     M. A person who is required to register pursuant to this section and  
11 who is a student at a public or private institution of postsecondary  
12 education or who is employed, with or without compensation, at a public or  
13 private institution of postsecondary education or who carries on a vocation  
14 at a public or private institution of postsecondary education shall notify  
15 the county sheriff having jurisdiction of the institution of postsecondary  
16 education. The person required to register pursuant to this section shall  
17 also notify the sheriff of each change in enrollment or employment status at  
18 the institution.

19     N. For the purposes of this section:

- 20       1. "Address" means the location at which the person receives mail.  
21       2. "Residence" means the person's dwelling place, whether permanent or  
22 temporary.

23     Sec. 2. Section 13-3822, Arizona Revised Statutes, is amended to read:  
24      13-3822. Notice of moving from place of residence or change of  
25      name: forwarding of information; definitions

26     A. Within seventy-two hours, excluding weekends and legal holidays,  
27 after moving from the person's residence within a county or after changing  
28 the person's name, a person who is required to register under this article  
29 shall inform the sheriff in person and in writing of the person's new  
30 residence, address or new name. If the person moves to a location that is  
31 not a residence and the person receives mail anywhere, including a post  
32 office box, the person shall notify the sheriff of the person's address. **IF**  
**33 THE PERSON DOES NOT HAVE AN ADDRESS OR A PERMANENT PLACE OF RESIDENCE, THE**  
**34 PERSON SHALL REGISTER AS A TRANSIENT WITHIN FIVE WORKING DAYS AFTER MOVING**  
**35 AND NOT LESS THAN EVERY NINETY DAYS THEREAFTER WITH THE SHERIFF IN WHOSE**  
**36 JURISDICTION THE TRANSIENT IS PHYSICALLY PRESENT.** Within three days after  
37 receipt of such information, the sheriff shall forward it to the criminal  
38 identification section within the department of public safety and the chief  
39 of police, if any, of the place from which the person moves, and shall  
40 forward a copy of the statement, fingerprints and photograph of the person to  
41 the chief of police, if any, of the place to which the person has moved.

42     B. Within seventy-two hours after a person moves from a county in  
43 which the person is registered, the person shall notify in writing the  
44 sheriff of the county from which the person moves. If the person is subject  
45 to community notification requirements, the sheriff of the county from which

1 the person moves shall advise the local law enforcement agency of the county  
2 to which the person moves of the move. If the person moves out of this  
3 state, the sheriff of the county from which the person moves shall advise the  
4 local law enforcement agency in the jurisdiction to which the person moves.  
5 The local law enforcement agency shall contact the department of public  
6 safety following ten days after being notified to determine if the person has  
7 reregistered. If the person has not reregistered, the local law enforcement  
8 agency shall notify the local law enforcement agency in the county in which  
9 the person last resided. The local law enforcement agency in the county in  
10 which the person last resided shall conduct an investigation and shall submit  
11 a report to the appropriate county attorney.

12 C. For the purposes of this section:

- 13 1. "Address" means the location at which the person receives mail.  
14 2. "Residence" means the person's dwelling place, whether permanent or  
15 temporary.